

Message Text

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ACTION EB-11

INFO OCT-01 CIAE-00 COME-00 DODE-00 NSAE-00 RSC-01 TRSE-00

EUR-25 AEC-11 ISO-00 DRC-01 /050 W

----- 001299

P R 131520Z MAY 74

FM AMCONSUL MUNICH

TO SECSTATE WASHDC PRIORITY 5010

AMCONSUL FRANKFURT PRIORITY

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMCONSUL ANTWERP

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EXCON

E.O. 11652: N/A

TAGS: ESTC, GW, UR, PL

SUBJECT: P.S. CHECK ON SHIPMENTS TO AGFA-GEVAERT A.G., WERK PERUTZ,
KISTLERHOFSTRASSE 75, 8 MUNICH 25

REF: STATE 084359

1) AGFA-GEVAERT AG, MUNICH, HAS CONFIRMED THAT ALL FOUR KYBE
MAGNETIC TAPE TESTERS ARE NOW IN POLAND, AND CLAIMS THAT THEIR
EXPORT WAS APPROVED BY FRG AUTHORITIES. THIS INFORMATION WAS
DEVELOPED IN THE COURSE OF A VISIT TO WERNER GILG AND TWO VISITS
TO AGFA.

2) GILG INFORMED INVESTIGATING OFFICER THAT WHEN AGFA PLACED
ORDER FOR TESTERS, AGFA INDICATED THEY WOULD BE USED FOR PRODUCTION
PURPOSES IN FRG. HOWEVER, ON MARCH 20, 1974, GILG LEARNED FROM
AN AGFA ENGINEER THAT TESTERS WERE NOW "200 KILOMETERS EAST OF
BERLIN" IN A PLANT THAT AGFA HAD SOLD TO POLAND, AND THAT SPARE
PARTS WERE NOW URGENTLY NEEDED. GILG TOLD INVESTIGATING OFFICER
THAT, DESPITE STRONG PRESSURE FROM AGFA, HE DECLINED TO TAKE THE
ORDER FOR THE PARTS WITHOUT PERMISSION KYBE CORP. AND USG.

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AGFA THEN THREATENED TO ORDER THE PARTS DIRECTLY FROM KYBE.

GILG EXPRESSED HIS PERSONAL VIEW TO INVESTIGATING OFFICER THAT THE TESTERS, WHICH ARE RATED 800 BPI, ARE NOW OBSOLETE AND THAT EVEN AT TIME OF THE SALE HE DID NOT BELIEVE THEY SHOULD HAVE REQUIRED A U.S. EXPORT LICENSE SINCE ONLY TESTERS RATED ABOVE 800 BPI WERE ON US CONTROL LIST.

3) THE FIRST VISIT TO AGFA ON MAY 2 WAS FRUITLESS, SINCE EXECUTIVE WITH WHOM INVESTIGATING OFFICER SPOKE, HEAD ENGINEER RIEDL, SAID HE HAD NO KNOWLEDGE OF THE TESTERS BUT WOULD CHECK AND CALL BACK. ANOTHER APPOINTMENT WAS MADE ON MAY 9, AT WHICH TIME RIEDL AND AN EXECUTIVE FROM THE FIRM'S ADMINISTRATION STATED THAT ALL FOUR TESTERS HAD BEEN SHIPPED IN 1972 TO AGFA'S SISTER FIRM IN BELGIUM, AGFA-GEVAERT N.V., MORTSEL/ANTWERP, AFTER THE EQUIPMENT HAD BEEN TESTED AT THE MUNICH PLANT. LATER THE BELGIAN FIRM SHIPPED THE TESTERS TO POLAND AS PART OF AN ENTIRE TAPE-MANUFACTURING PLANT WHICH AGFA SOLD TO THAT COUNTRY. WHEN ASKED IF THE MUNICH FIRM HAD OBTAINED PERMISSION TO REEXPORT THE TESTERS, BOTH SAID THE GERMAN GOVERNMENT HAD APPROVED SALE OF THE PLANT, INCLUDING THE TESTERS, AND THAT PERMISSION FROM USG WAS NOT NECESSARY, PARTICULARLY SINCE THE TESTERS, BEING RATED ONLY 800 BPI, DID NOT REQUIRE A US EXPORT LICENSE IN ANY CASE. AS PROOF OF THE GERMAN GOVERNMENT'S APPROVAL OF SALE OF THE PLANT TO POLAND, THE EXECUTIVES SHOWED THE INVESTIGATING OFFICER A LENGTHY DOCUMENT FROM THE STATISTISCHES BUNDESAMT IN WIESBADEN. AT HIS REQUEST, THE INVESTIGATING OFFICER WAS GIVEN A COPY OF THE COVERING LETTER FROM THE SAME OFFICE DATED 27 NOVEMBER 1969, COPY OF WHICH BEING POUCHED OEA. INVESTIGATING OFFICER ALSO SHOWN A LENGTHY DOCUMENT SUBMITTED BY MUNICH FIRM TO STATISTISCHES BUNDESAMT CONTAINING LIST OF EQUIPMENT, INCLUDING SUBJECT TESTERS, WHICH WOULD BE SOLD TO POLAND AS PART OF THE PACKAGE DEAL.

4) INVESTIGATING OFFICER REPLIED THAT ACCORDING HIS INFO, TESTERS WERE ON US CONTROL LIST AND THEREFORE REEXPORT WITHOUT PRIOR PERMISSION FROM USDOC PROHIBITED. HE INFORMED AGFA EXECUTIVES THAT HE WOULD REPORT THEIR STATEMENTS TO USDOC AND TO CONGEN FRANKFURT, WHICH WOULD BE IN TOUCH WITH FRG AUTHORITIES.

5) HAVE POUCHED ALL DOCUMENTS TO CONGEN FRANKFURT, WHICH WILL RAISE MATTER WITH CIU/F. IN VIEW COMMENTS OF BOTH GILG AND LIMITED OFFICIAL USE

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AGFA REPS, SUGGEST OEA DETERMINE WHETHER 800 BPI MAGNETIC TAPE TESTERS ARE INDEED ON US AND/OR COCOM CONTROL LIST. SPIVACK

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Message Attributes

Automatic Decaptioning: X
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Draft Date: 13 MAY 1974
Decaption Date: 01 JAN 1960
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Disposition Action: RELEASED
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Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
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Disposition Reason:
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